IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
TUESDAY, THE FIFTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 24214 of 2002

Between:
Ch.Umamaheswara Rao S/o.jagannadha Rao,
Aged about 45 years, Occu:Driver,E.454289,
A.P.State Road Transport Corporation,
Parvathipuram Depot,Vizianagaram District.

..... PETITIONER

AND

1.The Vice Chairman & Managing Director,
A.P.State Road Transport Corporation,
Musheerabad, Hyderabad.
2.The Regional Manager, A.P.State Road
Transport Corporation, Vizianagaram,
Vizianagaram District.
3.The Depot Manager, A.P.State Road
Transport Corporation,Vizianagaram,
Vizianagaram District.
4.The Depot Manager,A.P.State Road
Transport Corporation, Parvathipuram Depot,
Vizianagaram District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus: (a) to grant the notional increments for the period from 2.9.1993 to 25.5.1996 on the date of reinstatement into the services treating the period as continuity of service; (b) to sanction of special grade or stagnation increments, for 12 years of continuous service in the same cadre treating the period as continuity of service; (c) to fix the pay of the petitioner after taking into account the notional increments and 12 years special grade treating the period as continuity of service; (d) to implement the judgment of the Division Bench of this Hon'ble High Court, dated 17.10.1997 in W.P.No.11788 of 1996; and (e) to grant consequential benefits and attendant benefits such as Seniority, promotion, fixation of pay etc., and to award costs to the

petitioner.

For the Petitioner:MR.A.NAGENDRA RAO,Advocate

For the Respondents: Mr.Y.Vivekananda Swamy, Standing Counsel for A.P.S.R.T.C.

The Court made the following : ORDDER:

The petitioner was appointed as a driver in the Andhra Pradesh State Road Transport Corporation (A.P.S.R.T.C.) in November, 1986. He was regularized as such on 01-8-1987. While he was driving the bus of the Corporation on 15-03-1993 an accident occurred. In respect of the accident an enquiry was conducted and a report was submitted, in which the petitioner was identified as having been guilty of grossly negligent conduct. The petitioner was consequently placed under suspension pending enquiry on 24-05-1993 and a charge-sheet was also issued alleging inter-alia carelessness and negligent conduct. After a due process of enquiry, by proceedings dt.02-09-1993 the petitioner was visited with the penalty of removal from service. Aggrieved thereby, he instituted I.D.No.236 of 1993 before the Labour Court, Visakhapatnam under Section 2(A) (ii) of the Industrial Disputes Act, 1947. By the award dated 11-12-1995 the Labour Court set aside the Order of removal dated 02-09-1993 and directed the reinstatement of the petitioner into service without back

wages or continuity of service, treating the appointment as a fresh one for all purposes. Aggrieved thereby the petitioner preferred W.P.No.11788 of 1996. By the Judgment dated 17-10-1997 the Writ Petition was disposed of by Division Bench of this Court modifying the award to the extent of directing reinstatement without back wages but with continuity of service only for the purpose of terminal benefits. Thereupon the petitioner was emboldened to approach the respondents seeking notional increments for the period from 02-09-1993 to 25-05-1996 (later date being the date on which he was reinstated); sanction of special grade or stagnation increment for 12 years of continuous service in the same cadre, treating the period he was out of service for such continuity; for fixation of his pay after taking into account the notional increments and the 12 years special grade benefits.

In view of the fact that the award of the Labour Court directed the petitioner's reinstatement treating him as a fresh candidate without back wages or continuity of service, which award was modified by the Division Bench of this Court nearly to the extent of permitting continuity of service only for the limited purpose of terminal benefits, the petitioner is seen to have not even a scintilla of a case for grant of any of the reliefs sought herein. The writ

petition is patently misconceived and is accordingly dismissed. No costs.

ASSISTANT REGISTER

//TRUE COPY//

SECTION OFFICER

To

1.The Vice Chairman & Managing Director,APSRTC, Musheerabad, Hyderabad.
2.The Regional Manager, APSRTC, Vizianagaram, Vizianagaram District.
3.The Depot Manager, APSRTC, Vizianagaram, Vizianagaram District.
4.The Depot Manager, APSRTC, Parvathipuram Depot, Vizianagaram District.
5.Two C.D. copies